

ROSANNA LIBRARY PROJECT - CONSULTATION UPDATE AND NEXT STEPS cont'd

RECOMMENDATION

That Council:

1. Receive the Community Engagement Report, noting the extensive engagement undertaken to date and broad community support for the Rosanna Library Project overall and library redevelopment specifically.
2. Progress the proposal to sell part of the Council-owned land described as Lot 1 on PS703973P, contained in certificate of title volume 11562 folio 072, and known as 72 Turnham Avenue, Rosanna (*Subject Land*) to Fabcot Pty Ltd for the proposed development of a new Woolworths Supermarket, a new undercover carpark and a new two storey, 1,300m² building (to a 'warm shell' stage) to be occupied by the new Rosanna Library (*Proposed Development*) on the Subject Land, the balance of the Council-owned land at 72 Turnham Avenue, Rosanna, (*Balance Land*) and the land owned by Fabcot at 44 Turnham Avenue and 47-51 Douglas Street, Rosanna (*Fabcot Land*).
3. Confirm that the Subject Land, being 828m² in area and being part of the land described in Certificate of Title Volume 11562 Folio 072 (Lot 1 on PS703973P) and known as (part) 72 Turnham Avenue, Rosanna, is not required for any current or reasonably anticipated Council projects.
4. Acting under section 114 of the *Local Government Act 2020* (the Act):
 - a. Determine that the required statutory procedures be commenced prior to consideration of the sale of the Subject Land;
 - b. Direct that, in accordance with s114 of the Act, Council:
 - i. place a public notice of the proposed sale on Council's website;
 - ii. in accordance with Council's Community Engagement Process:
 - A. place an explanatory note which outlines the Proposed Development on Council's website;
 - B. place on the Subject Land a sign containing a copy of the public notice of the proposed sale; and
 - C. provide a copy of the public notice to any persons directly affected by the sale of the Subject Land; and
 - iii. obtain a valuation of the Subject Land;
 - c. Confirm that the public notice to be given as part of Council's Community Engagement Process should state that Council proposes to sell the Subject Land to Fabcot Pty Ltd for no less than market value plus GST and that submissions in relation to the proposed sale of the Subject Land be addressed to the Chief Executive Officer, Banyule City Council;

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- d. Authorise the Chief Executive Officer to undertake the administrative procedures necessary to enable Council to carry out its functions under the Act in relation to this matter;
 - e. Confirm that any submissions received pursuant to the Community Engagement Process be heard at the Council meeting on 30 August 2021, if required; and
5. Note that once all public submissions have been considered, a further report will be presented to Council on 20 September 2021 to decide whether to proceed with the proposed sale.
 6. Progress the design and components for the fit out of the library based on the community feedback for finalisation subject to the land being sold.

COUNCIL PLAN

- This report is in line with Banyule's Council Plan key direction to "Renew and maintain Banyule's public assets and infrastructure".

BACKGROUND

Locality Plan

- Rosanna is located 12 kilometres from the Melbourne CBD and centred around a railway station and traditional strip shopping centre located within the Salt Creek Valley. The map below (figure 1) identifies the site of the library, supermarket, Heidelberg Theatre and Turnham Avenue.



Figure 1 Locality Plan

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- Council owns the land described as Lot 1 on PS703973P, contained in certificate of title volume 11562 folio 072, and known as 72 Turnham Avenue, Rosanna (**Council Land**) on which the Rosanna Library is currently located.
- The Council Land comprises:
 - An area of approximately 828m² which is proposed to be sold to Fabcot (**Subject Land**); and
 - The balance of the site which is to be retained by Council and on which the new library is proposed to be constructed (**Balance Land**).
- Fabcot owns the land adjacent to the Council Land, being the land contained in Lots 2 and 3 on PS 703973P, described in certificates of title volume 11562 folio 073 and volume 11562 folio 074, and known as 44 Turnham Avenue and 47-51 Douglas Street, Rosanna (**Fabcot Land**).
- Council has entered into a Heads of Agreement with Fabcot (**HoA**) to record their in principle agreement for Fabcot to facilitate the development on the Fabcot Land, the Subject Land and the Balance Land for a new Woolworths Supermarket, a new undercover carpark and a new two storey, 1,300m² building (to a 'warm shell' stage) for the new Rosanna Library (**Proposed Development**).
- The construction cost of the new Rosanna Library building will be partly offset against the price payable by Fabcot for the Subject Land.
- The HoA established a framework and timeline for Council's community engagement process.
- The HoA also sets out a framework and timeline for the negotiation of the Contract Documentation which would be required to give effect to the Proposed Development.
- Any decision to proceed with the proposed development outlined in the HoA remains subject to Council resolving whether or not to sell the Subject Land after complying with its statutory obligations under the *Local Government Act 2020*.

KEY ISSUES

- Extensive community engagement has been undertaken to inform community about the project and seek feedback about the library redevelopment.
- There are several key decision gateways and milestones that will ensure a robust and transparent process is being followed throughout the project.
- The next step is to undertake the statutory process for the sale of the land to Fabcot (Woolworths) in accordance with legislative requirements which includes the consideration of any formal submissions before Council resolves on whether to sell the land.
- Any decision by Council under a statutory process to agree to sell the land through a notice of intention to sell does not oblige Council to sell the land.
- Any final sale of land will need to be subject to appropriate contract conditions and requirements being met.
- There will be further work undertaken to progress the concept plans for the library and contract arrangements with Woolworths in preparation for planning approval processes later in the year.

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- The partnership proposal with Woolworths will provide positive community, social and infrastructure outcomes for Rosanna and is a financially sustainable opportunity for Council.
- The project will provide significant social and economic benefit for the Rosanna community with the provision of a contemporary library facility and supermarket by 2024, meeting learning, cultural and retail needs of the Rosanna community well into the future.
- The project is progressing generally in accordance with the indicative timeframes, although some adjustments will be expected as each milestone is reached.
- Table 1 below provides an updated indicative timeframe with the next milestone being the consideration of formal submissions to the sale of land process on 30 August 2021.

Table 1 - Indicative Timeframes (updated):

| Actions | Dates |
|---|---|
| Community Engagement Plan – <i>Stages 1 & 2</i> | Complete (April/May 2021) |
| Council Report to advise on CEP outcomes and seek Council authority to commence sale of land process. | Complete (July 2021) |
| Sale of land statutory process – <i>Stage 3a</i> | July – August 2021 |
| Report to Council to consider any submissions received | 30 August 2021 |
| Council resolve on the sale of land proposal | 20 September 2021 (30 August if no submissions received) |
| Contract of Sale with Woolworths incorporating conditions precedent. | September - November 2021 |
| Undertake planning approval process – <i>Stages 3b & 3c</i> | October 2021 – September 2022 |
| Commence library and supermarket building project works – <i>Stage 4</i> | February/March 2023 |
| Project completion (building) (fit-out) | February/March 2024 April - June 2024 |

SUPPORTING REPORT DETAILS

Legal Consideration

- The sale of any Council land must comply with section 114 of the of the *Local Government Act 2020*, the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land and Council's Community Engagement Policy in accordance with section 55 of the *Local Government Act 2020* (the Act).

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- The following outlines the process to be undertaken:
 - A public notice on the proposal to be published on Council's website www.banyule.vic.gov.au and <https://shaping.banyule.vic.gov.au/RosannaLibrary>.
 - A public notice will be placed on site.
 - Any person may make a submission on the proposal.
- Any person proposing to make a submission in accordance with Council's Community Engagement Policy under section 55 of the Act must do so within 28 days of the publication of the notification (on 20 July). All submissions will be considered in accordance with Council's Community Engagement Policy and Plans.
- Written submissions to Council quoting **Rosanna Library Project (Ref: F2015/788)** must be received by 5pm 17 August 2021. Submissions should be addressed to the Chief Executive Officer, Banyule City Council and delivered to 1 Flintoff Street, Greensborough, 275 Upper Heidelberg Road, Ivanhoe, posted to PO Box 94 Greensborough 3088 or made online at www.banyule.vic.gov.au.
- Any person requesting to be heard in support of their submission is entitled to be heard before Council (or a Committee established by Council for this purpose) or be represented by a person acting on their behalf.
- Submissions will be considered at the Council Meeting on 30 August 2021 beginning at 7pm.
- Council will consider whether to sell the Land at a subsequent meeting. If no submissions are received, Council may consider whether to sell the Land at the Council Meeting on 30 August 2021.
- Any person making a written submission is advised that all submissions and personal information in the submission will be handled by Council in accordance with the provisions of the *Privacy and Data Protection Act 2014*.

Private Treaty Sale

- Council's proposes to sell 828m² parcel of the Rosanna Library Site to Fabcot Pty Ltd (**Fabcot**) (wholly owned subsidiary of Woolworths Limited) at no less than market value (plus GST) to facilitate the development of a Woolworths supermarket on the adjacent site at 44 Turnham Avenue and 47-51 Douglas Street, Rosanna. In return, Fabcot will construct and deliver a new library to a 'warm shell' to agreed specifications on land to be retained by Council to an agreed construction cost. The library construction cost will be offset against the land purchase price.
- The new library will be a two storey, 1,300m² building that incorporates indoor and outdoor spaces.
- In addition, Fabcot will construct the basement carpark at its cost. The carpark will be a shared use carpark with Council under a Carpark Management Agreement.
- Legal advice has been obtained in relation to pursuing an exclusive private treaty sale with Woolworths, rather than a traditional sale process (such as auction, for sale, expression of interest or tender). Council's legal advice is that a

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private treaty arrangement can be justified where the benefits outweigh a standard process. In this case it would be reasonable for Council to conclude that the proposal by Woolworths in respect of the Rosanna Library Site is sufficiently unique to justify a private treaty sale by Council.

- The land to be sold to Woolworths is shown in Figure 2.

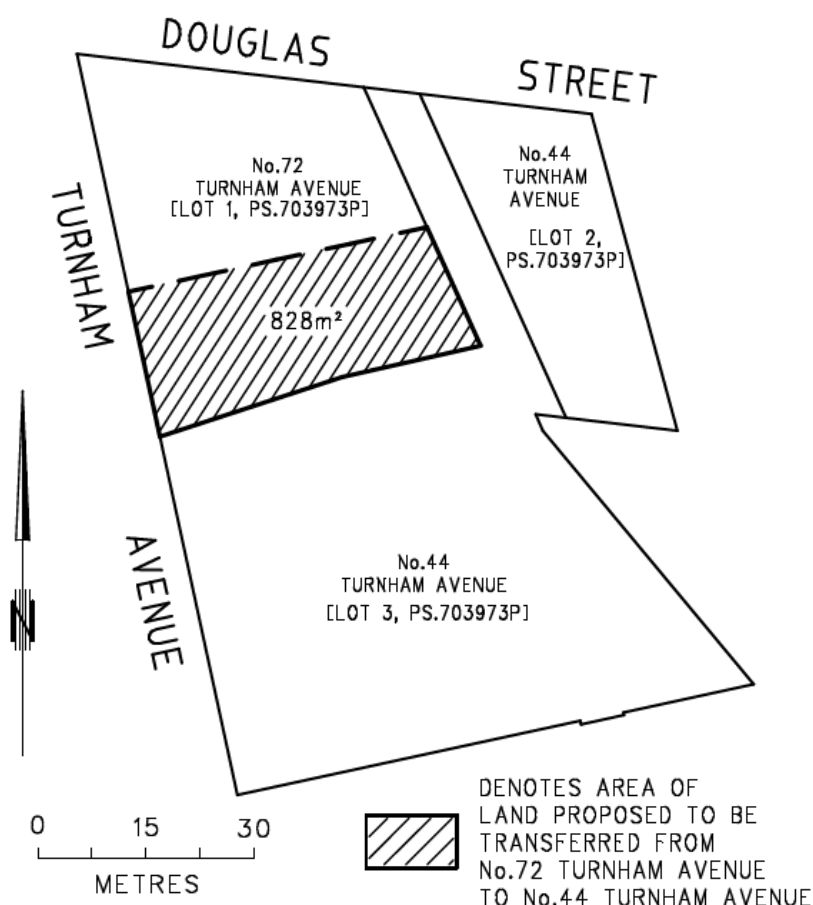


Figure 2 Land to be sold is shown hatched.

- Council has considered the Local Government Best Practice Guideline for the Sale, Exchange and Transfer of Land and is of the opinion that the Proposed Development is sufficiently unique a proposal to justify Council treating privately with Fabcot Pty Ltd (Woolworths) in respect of the sale of the Land.
- Council has entered into a non-binding Heads of Agreement (HoA) with Woolworths. Prior to entering into a contract of sale with Woolworths, Council must complete statutory procedures in accordance with section 114 of the *Local Government Act 2020* and resolve whether or not to sell the subject land.
- Key steps to be undertaken and conditions precedent to a contract of sale are as follows:
 - Entering a Section 173 Agreement with Council specifying certain requirements to be undertaken by Woolworths relating to use and development of the land, car parking, maintenance of common areas, access, and completion of the development.

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- Building construction specification requirements, tender process and construction cost in accordance with an agreed concept design.
- Satisfactory results from due diligence works to be completed by Woolworths.
- Woolworths obtaining planning approval.
- Achieving Council's stipulated ESD outcomes for design and construction.
- Construction of the new library and associated infrastructure.
- Registration of a plan of subdivision dividing the supermarket land from the Council owned library land.

Planning Approval Process

- The Banyule Planning Scheme regulates the use, development, protection and conservation of land in Banyule through planning provisions and established objectives and policies. The library site is zoned Public Use Zone 6 (PUZ6) while the site owned by Woolworths is zoned Commercial 1 Zone (C1Z) and Mixed Use Zone (MUZ).
- A Planning Scheme Amendment will ultimately be required to rezone the parcel of Council land to be acquired by Woolworths from Public Use Zone 6 (PUZ6) to Commercial 1 Zone (C1Z).
- Woolworths is required to obtain planning approval for the proposed supermarket and library development. Woolworths will therefore need to undertake a planning process that provides them with planning approval for the combined supermarket/library redevelopment. Woolworths will be the proponent and applicant in this process whilst Council will be the responsible planning authority.
- Nothing in the Contract of Sale will fetter the power or discretion of Council in the exercise of its statutory duties or powers under the *Planning and Environment Act 1987*, *Local Government Act 1989* or the *Local Government Act 2020*. As the responsible authority, Council may make or impose requirements or conditions on the development of the site or granting of any planning approval.

Human Rights Charter

- In developing this report to Council, the subject matter has been considered in accordance with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*.
- Council has ensured that everyone has a right to freely participate in the broad ranging robust community information and engagement process.

Sustainable Procurement Outcomes

- There are no sustainable procurement activities arising from the recommendation contained in this report.

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Financial Implications

- The sale of the land will provide a financial return to Council which will be used to offset costs associated with the construction of the library. At the Council Meeting on 12 April 2021, Council resolved to consider additional funds be allocated within the future capital works plan to enable the library project to be delivered and the fit out undertaken. Funding was also referred to a future capital works budget for the Turnham Avenue Streetscape works, any capital upgrades at the Heidelberg Theatre and financial support for the Rosanna Traders Association.

Community Engagement

- The Community Engagement Plan (CEP) approved by Council to inform the community and key stakeholders and to gain feedback to inform the redevelopment of the library and ancillary projects within the Turnham Avenue precinct consists of two key engagement components:
 1. **Strategic community** engagement around the library and ancillary projects.
 2. **Statutory** engagement and processes around the sale of the land and the planning scheme amendment.
- Council's *Shaping Banyule* platform went "*live*" following the Council Meeting on 12 April 2021 as the central portal for key project information and communication of engagement opportunities. This was supported by a range of public information forums, on site pop ins, individual stakeholder meetings, project FAQs, letterbox drops and social media updates.
- In April the level of engagement was *inform*. This Stage involved:
 - Announcing the project, social media post over 6,500 people reached,
 - Providing information on the Shaping Banyule consultation platform,
 - Council hosting 10 information sessions, attended by around 80 people,
 - Responding to numerous community questions via phone and email,
 - Local letterbox drops to immediate surrounding properties,
 - A Frequently Asked Questions sheet available online and hard copy at library and Fire Station Community House.
- Throughout May and early June, the level of engagement was *consult*. This engagement primarily sought early input and ideas from the community about what they would like to see or do in a new library and how they would like a new library and surrounds to look and feel
- The consultation and communication activities in stage 2 were effective in engaging with over 1,300 people. The activities and consultation outcomes are further expanded upon and detailed in the Community Engagement Report.
- During this stage, feedback was gathered via a range of activities:
 - Survey (online via the Shaping Banyule consultation platform and hard copy),
 - Short survey (3 questions, hard copy),
 - Ideas drawing sheet (hard copy),

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- Place-based pop-ups (survey, short survey, voting pod, Chatboards, ideas drawing sheet),
 - Drop in session (post-it ideas),
 - School workshop (dotmocracy voting activity, post-it ideas, ideas drawing sheet),
 - Stakeholder meeting (meeting notes),
 - Email submissions.
- The information and engagement opportunities summarised above ensured that the Rosanna Library project was highly visible and talked about in the community. It generated one of Banyule's highest ever social media post engagements and the Shaping Banyule page to date has received 4,500 views.

Consultation Feedback Summary


- While some people did express concerns about the partnership approach and sale of public land, overall there is strong and positive community sentiment towards the redevelopment of the library.
- People are genuinely excited about the library development and identified a range of opportunities that they would like the library to explore or consider.
- Key findings for stage 2 are detailed in the attached Executive Summary - Rosanna Library Redevelopment Stage 2 Community Engagement Report. The full report will be available on Council's Shaping Banyule website.
- 108 people responded to the survey, of these 98 answered the question about support for the project with the majority indicating they were very supportive or supportive:
 - 78% indicated that they were 'very supportive' or 'supportive' of the redevelopment of the library.
 - 17% indicated that they were 'unsupportive' or 'very unsupportive' of the library redevelopment. This is mainly due to concerns with the sale of land and the partnership with Woolworths.
 - 5% were neutral, with some indicating a concern about the partnership with Woolworths.

Officer Declaration of Conflict of Interest

- The *Local Government Act 2020* requires members of Council staff, and persons engaged under contract to provide advice to Council, to disclose any direct or indirect interest in a matter to which the advice relates.
- Council officers involved in the preparation of this report have no conflict of interest in this matter.

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cont'd

ATTACHMENTS

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| 1 | Executive Summary - Rosanna Library Redevelopment Stage 2 | |
|  | Community Engagement Report | |

1. Executive summary

The Engagement Collective was engaged by Banyule City Council to support the planning and facilitation of a range of community engagement activities to inform the redevelopment of the Rosanna Library (library).

The purpose of Stage 2 engagement was to gather community input about what they value and their aspirations for the new library; preferences regarding materials and finishes for the new building and internal allocation of library space, fit out, functioning, community use and programming; as well as suggestions for the streetscape and outdoor spaces. People who live, work and study in Rosanna and library users were identified as the target population to engage in this public consultation.

A range of online and in-person consultation activities took place from May to June 2021. Council's 'Shaping Banyule' online engagement platform was used to support the consultation.

1.1 Overview of participation profile

The communications and engagement activities were effective in engaging over 300 participants. It is noted that some individuals participated in more than one engagement activity.

Table 1: Engagement activities and participation levels

| Engagement activity | Indicative number of participants |
|--|-----------------------------------|
| Survey (online and hard copy formats) | 108 |
| Short survey (3 questions) | 21 |
| Idea drawing sheets | 15 |
| 3x Place-Based Pop-Up engagement (82 Voting Pod participants, 72 Chatboard idea participants <i>plus surveys, short surveys and idea drawing sheets included above</i>) | 154 |
| Drop-in session 1: Rosanna Bowls Club | 8 |
| School workshop 1: Rosanna Primary School | 12 |
| Stakeholder meeting | 1 |
| Email submission (on behalf of families with children that identify as Aboriginal) | 1 |
| Total participation in engagement activities (gathering feedback) | 320 |

Demographic details were not submitted by or captured for all participants, so the participation profile has been generated mostly based on the characteristics reported by the 129 survey respondents (108 survey and 21 short survey):

- The majority of participants identified as *female* (72 or 60.5%).

- Participants were a variety of ages. All age groupings were represented from under 12 years to 70 years and over. Persons aged 35 to 49 years were particularly engaged (37 or 25.7%).
- A small number of respondents identified as a *person who speaks English as a second language*, *LGBTIQ+* and/or *a person with a disability*.
- Participants indicated that they had varied connection/s to Rosanna. The majority *lived in Rosanna* (88 or 74.6%) and some participants *worked* or *studied in Rosanna*. Other connections reported included living in nearby suburbs, volunteering in Rosanna or catching the train in Rosanna.

1.2 Key findings from the analysis of the community feedback

Current connections to, and uses of, Rosanna Library (see 4.1)

- Many participants identified as a *member of Yarra Plenty Regional Library* (87 or 84.7%)
- While some participants reported using the library at least once per week (23 or 22.3%), many reported using the library rarely (32 or 31.1%) or on a monthly basis (24 or 23.3%)
- Participants indicated that they were doing a variety of programs or activities other than borrowing books at the Rosanna Library now. Many of the 103 respondents reported they *read magazines and newspapers*, attend *Storytime* (25 or 29.8% each) and/or *used the computers* (21 or 25.0%).

Things that we love and value now about the Rosanna Library (see 4.2)

Participants indicated they love and value a variety of aspects now about the Rosanna Library. Topics reported related to services, spaces, programs as well as the look and feel of the library. Topics referenced most frequently across all engagement activities for each category were (in descending order):

| | |
|----------|---|
| Services | <ul style="list-style-type: none"> • Variety of book collections, reading materials and options • Technology, free Wi-Fi, access to computers, iPads and photocopying • Friendly and helpful staff |
| Feel | <ul style="list-style-type: none"> • Quiet, uncrowded, relaxed and cosy • Community feel, welcoming and friendly • Child-friendly atmosphere |
| Spaces | <ul style="list-style-type: none"> • Variety of spaces (open spaces, meeting spaces, quiet spaces) • Spaces to work, study and do homework |
| Programs | <ul style="list-style-type: none"> • Programs, activities, classes, events and clubs |
| Look | <ul style="list-style-type: none"> • Trees, greenery and bush feel • Building character and bluestone • Furniture, seating and tables |

Other topics frequently mentioned: *it is convenient, close proximity to home and public transport; and the location*.

Views about the new Rosanna Library, looking to the future (see 4.3)

Participants indicated they would like to have a variety of experiences and things to do in the new Rosanna Library. Topics reported related to services, spaces, programs as well as the look and feel of the library. Topics referenced most frequently across all engagement activities for each category were (in descending order):

| | |
|----------|--|
| Look | <ul style="list-style-type: none"> • Modern, inviting, clean, safe and warm • Bright, airy with natural light and spacious • Aligned character of area with natural and sustainable materials, natural colours and greenery • Accessible for people of all-abilities and prams, including disabled car parks |
| Spaces | <ul style="list-style-type: none"> • Quiet areas for reading and studying • Variety of spaces and seating styles – some that are child-friendly, some for community use and social interaction and others for private use or meetings, which can be hired or booked |
| Services | <ul style="list-style-type: none"> • Variety of book collections, reading materials and options • Technology and internet (free Wi-Fi, access to computers, iPads, DVDs, movies, printers and photocopiers) • Storytime |
| Feel | <ul style="list-style-type: none"> • Inclusive, welcoming, friendly and safe • Quiet, comfortable, relaxed and calm |
| Programs | <ul style="list-style-type: none"> • Arts and craft classes, homework and clubs, language classes, writing classes, classes and courses for all age groups, school holiday programs and adult learning programs art classes • Activities for children, community events, guest speakers and presentations |

Level of support and views about the proposed redevelopment of Rosanna Library (see 4.4.)

A majority of participants indicated they were supportive of the redevelopment of the Rosanna Library and concept designs:

- 48 (or 49.0%) were *very supportive* of the redevelopment of the Rosanna Library
- 28 (or 28.6%) were *supportive* of the redevelopment of the Rosanna Library
- 5 (or 5.1%) were *neutral* about the redevelopment of the Rosanna Library
- 5 (or 5.1%) were *unsupportive* of the redevelopment of the Rosanna Library
- 12 (or 12.2%) were *very unsupportive* of the redevelopment of the Rosanna Library

When participants were asked to explain why they chose a particular level of support there were 32 of the 98 (32%) who indicated concerns with several aspects of the project.

Feedback on the proposed concept plans and ideas (see 4.5)

The majority of participants indicated they liked the Rosanna Library concept designs.

There were also a range of mixed views, ideas and queries recorded:

- At the pop-ups 71 or (86.6%) indicated they *liked* the concept designs
- Many of the 12 student participants indicated they preferred the *Deck* and *Study lounge spaces* (7 votes each) and *Children's areas* and *Reading terraces* (6 votes each)

Other ideas included: incorporating visual representation of Aboriginal Culture to uplift inclusion; natural building materials; quiet and noise tolerant areas; disabled parking near the lift; spaces for volunteers, tutors, professional services, wellness room and wet areas for art activities.

Ideas about the streetscape and outdoor spaces (see 4.6)

Participants provided a variety of personalised ideas for the streetscape and outdoor spaces at the proposed Rosanna Library. Ideas and suggestions referred to the following topics (presented in descending order):

- Landscaping: Trees, vegetation and greenery
- Accessibility, pedestrian, bicycle and vehicles movements: Parking and car parks, pedestrian crossings, accessibility, cycling connections and infrastructure
- Building exterior and surrounds: Use of natural materials, re-purposing the blue stone, directional signage, welcoming appearance, artwork, flags, sustainability elements, dog parking and book return chute
- Outdoor spaces and facilities: Seating, green and open spaces, performing/entertainment area, play area/playground and café

Other ideas included: increasing the set back of the buildings from the road and waste management.

General feedback relating to the overall project and future stages (see 4.7)

Across all engagement activities, concerns were raised regarding five topics in relation to the overall project and future stages about:

1. The partnership with Woolworths and sale of land
2. The concept design for the proposed library
3. The new Woolworths supermarket and implications
4. The loss of trees
5. The consultation process